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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,788	12/22/2000	Robert S. Young JR.	ASF98078 (021971.0159)	3326
7590	08/25/2004		EXAMINER	
Mark G Bocchetti Eastman Kodak Company Patent Legal Staff Rochester, NY 14650-2201			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2622	9
			DATE MAILED: 08/25/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/748,788	YOUNG ET AL.
Examiner	Art Unit	
Heather D Gibbs	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 December 2000.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-20 is/are rejected.

7)  Claim(s) 21-25 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 22 December 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.7.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

DETAILED ACTION

*Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2,4,6-8,11,13,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue (US 5,136,665).

Regarding claim 1, which is representative of claims 7 and 13, Inoue teaches a digital film processing system, comprising: a first light source 13 operable to illuminate film; a first sensor 1 operable to produce a first output in response to a first amount of light reflected from the film for a first time interval (Fig 2); a second sensor 2 operable to produce a second output in response to a second amount of light passed through the film for the first time interval (Fig 2); and processing circuitry (18,25) coupled to the first light source and operable to adjust the output of the first light source in response to the first and second outputs so that the first sensor and the second sensor do not saturate (Col 1 Lines 14-23; Col 4 Lines 3-35).

Regarding claim 2, which is representative of claim 8, Inoue teaches the system of claim 1, wherein the processing circuitry is further operable to adjust image data obtained from the film in response to the first and second outputs (Fig 3).

Regarding claim 4, which is representative of claim 11, Inoue teaches The system of claim 1, wherein the first amount of light is reflected from at least one unexposed region of the film and the second amount of light is passed through the at least one unexposed region of the film (Fig 1).

Considering claim 6, Inoue teaches The system of claim 1, wherein the processing circuitry (18,25) is further operable to save a last operating point of one of the group consisting of the first sensor and the first light source in a storage medium 31 (Fig 3).

Regarding claim 20, Inoue teaches wherein the processing circuitry operates to vary the intensity of the light illuminating the coated film to substantially prevent saturation of the sensor (Col 4 Lines 3-35).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (US 5,136,665) in view of Nierit et al (US 5,414,460).

Inoue discloses the system as discussed above.

Inoue does not disclose expressly wherein the processing circuitry is further operable to adjust the image data obtained from the film in response to the first and second outputs.

Nierit discloses an illumination system, which adjusts the intensity of light for film type and for temporary fluctuations in lamp output (Col 2 Lines 62-64).

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Inoue & Niertit are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Niertit with Inoue.

The suggestion/motivation for doing so would have been as both systems are from the same field of invention of scanners, which can encompass film.

Therefore, it would have been obvious to combine Niertit with Inoue to obtain the invention as specified in claims 3,12.

6. Claims 5,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (US 5,136,665) in view of Murray et al (US 6,101,000).

Inoue discloses the system as described above.

Inoue does not disclose expressly wherein the film has developing chemical applied.

Murray discloses a photographic processing apparatus wherein the film has a developing chemical applied thereto (Col 4 Lines 24-32).

Inoue & Murray are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Inoue and Murray.

The suggestion/motivation for doing so would have been as both involve a process carrying media.

Therefore, it would have been obvious to combine Murray with Inoue to obtain the invention as specified in claims 5,10.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Masarik (US 5,525,922).

Inoue discloses the system as discussed above.

Inoue does not disclose expressly the method of claim 8, wherein the image data are adjusted in response to a gain level derived from the first and second outputs.

Masarik discloses wherein the image data are adjusted in response to a gain level derived from the first and second outputs (Col 3 Lines 3-17; Fig 1; Ref 12; 16).

Inoue & Masarik are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Masarik with Inoue.

The suggestion/motivation for doing so would have been as Masarik teaches of his invention being used with signal processing circuits.

Therefore, it would have been obvious to combine Masarik with Inoue to obtain the invention as specified in claim 9.

8. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (US 5,136,665) in view of Hiramatsu et al (US 4,974,068).

Inoue discloses the system as discussed above in Claim 13.

Inoue does not disclose expressly wherein the processing circuitry operates to vary the intensity of the light in response to a sensor measurement from an unexposed portion of the coated film; wherein the film is substantially dry; wherein the sensor is operable to measure light transmitted through the coated film; wherein the light is operable to measure light reflected from the coated film; wherein the light operates to produce infrared light; and wherein the light operates to produce visible light.

Hiramatsu discloses wherein the processing circuitry operates to vary the intensity of the light in response to a sensor measurement from an unexposed portion of the coated film

(Col 8 Lines 35-48; Col 10 Lines 13-25); wherein the film is substantially dry (which is inherent); wherein the sensor is operable to measure light transmitted through the coated film (Col 5 Lines 42-52; Fig 8); wherein the light is operable to measure light reflected from the coated film (Col 3 Lines 33-49); wherein the light operates to produce infrared light (Col 4 Lines 46-58); and wherein the light operates to produce visible light (Col 4 Lines 46-58).

Inoue & Hiramatsu are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Inoue and Hiramatsu.

The suggestion/motivation for doing so would have been as both system deal with converting element and for adjusting.

Therefore, it would have been obvious to combine Inoue with Hiramatsu to obtain the invention as specified in claims 14-19.

*Allowable Subject Matter*

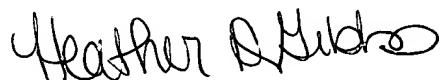
9. Claims 21-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs  
Examiner  
Art Unit 2622

hdg



EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600